

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

v.

**ORDER**  
09-CR-331-A

DOMENICO ANASTASIO,

Defendant.

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This case was referred to Magistrate Judge Hugh B. Scott pursuant to 28 U.S.C. § 636(b)(1)(B) for pretrial proceedings. Magistrate Judge Scott filed a Report and Recommendation, Dkt. No. 993, recommending denial of motions filed by defendant Domencio Anastasio, Dkt. No. 548, for various pretrial relief. Defendant Anastasio filed objections to the Magistrate Judge's recommendation, Dkt. No. 1032, not to dismiss Count 1 of the Fourth Superseding Indictment, and the Court heard oral argument on the objections, as well as on the same objections raised by other defendants.

The Court has carefully reviewed the Report and Recommendation, the record in this case, the pleadings and arguments of the parties, and it is hereby

**ORDERED**, that pursuant to 28 U.S.C. § 636(b)(1), after *de novo* review, and for the reasons set forth in Magistrate Judge Scott's Report and Recommendation, Dkt. No. 993, pp. 6-15, defendant Anastasio's motion to dismiss Count 1 of the Fourth Superseding Indictment is denied. There is no clear error in any other portion of the Report and Recommendation pertaining to the defendant, and the Report and

Recommendation is therefore adopted.

**IT IS SO ORDERED.**

*Richard J. Arcara*  
HONORABLE RICHARD J. ARCARA  
UNITED STATES DISTRICT COURT

Dated: July 29, 2014